## IN THE SENATE OF THE UNITED STATES.

# LETTER

FROM

# THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the Senate of March 28, 1893, transmitting copies of the orders, regulations, and forms prepared and issued by the Treasury Department in execution of the immigration act of March 3, 1893, together with copies of all correspondence concerning the same between said Department and Government officials, steamship agents, and other persons.

APRIL 7, 1893.—Referred to the Committee on Immigration and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1893.

SIR: Complying with the following resolution of the Senate, dated March 28, 1893: "That the Secretary of the Treasury be directed to transmit to the Senate copies of any orders, regulations, and forms of lists, manifests, and certificates prepared and issued by the Treasury Department in execution of the immigration act of March 3, 1893, together with copies of all correspondence concerning such orders, regulations, and forms between said Department and Government officials, steamship agents, and other persons," I have the honor to inclose herewith copies of the following-described blank forms, correspondence, etc.:

Affidavit of the master or commanding officer, or first or second officer, and affidavit of surgeon.

Questions to be answered by the immigrant before booking.

List or manifest of alien immigrants for the commissioner of immigration.

Copy of letter to Hon. John B. Weber, commissioner of immigration, Ellis Island, New York, under date of March 16, 1893.

Copy of letter to Hon. John B. Weber, commissioner of immigration, Ellis Island, New York, under date of March 21, 1893.

Copy of letter to Dr. G. O. Glavis, representative of steamship company, Washington, D. C., under date of March 24, 1893.

Copy of letter to commissioner of immigration, Ellis Island, New York, under date of March 27, 1893.

Copy of letter to the Department by John B. Weber, commissioner of immigration, Ellis Island, New York, under date of March 23, 1893. Copy of immigration laws and regulations, of March 11, 1893.

Respectfully, yours,

J. G. CARLISLE, Secretary.

The PRESIDENT OF THE SENATE.

AFFIDAVIT OF THE MASTER OR COMMANDING OFFICER, OR FIRST OR SECOND OFFICER.

I. — , " — of the — from — , do solemnly, sincerely, and truly — that I have made a personal examination of each and all of the passengers named on the foregoing lists or manifest sheets, — in number, and that I have caused the surgeon of said vessel, sailing therewith, or the surgeon employed by the owners thereof, to make a physical examination of each of said passengers, and that, from my personal inspection and the report of said surgeon, I believe that no one of said passengers is an idiot or insane person, or a pauper, or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or under a contract or agreement, express or implied, to perform labor in the United States, except such as are expressly excepted under the law. And that also, according to the best of my knowledge and belief, the information in said lists or manifests concerning each of said passengers named thereon is correct and true.

——— Officer.

Sworn to before me this — day of —, 189-.

Consul of the United States at \_\_\_\_\_.

#### AFFIDAVIT OF SURGEON.

I, \_\_\_\_\_\_, surgeon of the \_\_\_\_\_\_, t\_\_\_\_\_, do solemnly, sincerely, and truly \_\_\_\_\_ that I have had \_\_\_\_\_ years' experience as a physician and surgeon, and that I am entitled to practice as such by and under the authority of \_\_\_\_\_\_\_, and that I have made a personal examination of each of the passengers named herein, and that the foregoing lists or manifest sheets, \_\_\_\_ in number, are, according to the best of my knowledge and belief, full, correct, and true in all particulars, relative to the mental and physical condition of such passengers.

Sworn to before me this --- day of ----, 189-.

Consul of the United States at \_\_\_\_\_.

<sup>\*</sup> State whether master, first, or second officer.

<sup>†</sup>State whether surgeon "sailing therewith" or "employed by owners thereof," as case may be.

No. -. 1

#### - STEAMSHIP COMPANY.

### Questions to be answered by the immigrant before booking.

Notice.—If it is found upon the arrival of the immigrant in the United States that the following questions have not been correctly answered, the immigrant will be immediately returned. The immigrant will be required to swear to the truth of the following answers, if it be called for by the Commissioner of Immigration, at the port of arrival in the United States. (A false oath will subject the immigrant to fine or imprisonment.)

Name:	
Date when booked: ————.	
Agent's name:	
Agent's place of business:,	
Name of steamer for which booked:	-
Date of sailing:	

1.		2.		3.		4.	5.		6.		7.		
No. on list.	Name in full.		Age.		- S	Sex.	Married or		Calling	or occupa-		Able to-	
	Nai	Yrs. Mo		single.					ad.			Write.	
						1							o
	8.	9.		10.			11.		12.	13.		14.	
Nat	tionality.	Last residence.	for l	aport andin Unit ates.	ng ted	Unite (State	destina- in the d States. , city, or wn.)	a t	Thether naving icket to ch final tination.	By whom was passag paid?	ge v		
Whether ever before in the United States; and if so, when and where?		Whether going to join a relative; and if so, what			1	17.	18.	19,		20.		21.	
					Ever in prison or almshouse, or supported by charity? (If yes, state which.)		Whether a polygamist.			Condition of health, men tal and physical.			

I hereby certify that I have made true answers to the questions which were asked in language understood by me, and which answers have been recorded above.

(Sign here.)-

[LIST No. -

List or manifest of alien immigrants for the Commissioner of Immigration, required by the regulations of the Secretary of the Treasury of the United States, under act of Con-gress approved March 3, 1893, to be delivered to the Commissioner of Immigration by the commanding officer of any vessel having such passengers on board upon arrival at a port in the United States.

	[S. S.	——, sailing fr	om —	-,		, 189—	, arriving	at p	ort of —		189-	]			
1.		2.		3. 4. 5.		4. 5.		6.				7.			
No. on list.	Name in full.		Age—		Sex.		Married or		Calling	or occupa-	Able to—				
	Nai	Yrs.	Mos			single.			ion.	Rea	d.	Write.			
1 2 3 4															
	8.	9.		10.			11.		12.	13.	1	14.		14.	
Nationality.		Last residence.	Seaport for landing in the United States.			Final destina- tion in the United States. (State, city, or town.)			Thether wing a cket to ch final estination?	By whom was passage paid?		Whether in possession of money; if so, whether more than \$30, and how much if \$30 or less?			
15.		15. 16.				17.	18.	19.		20.			21.		
Whether ever before in the United States; and if so, when and where?		Whether going a relative; an what relative name and add	g to join and if so, e, their dress?		Ever in prison or almshouse, or supported by charity? (If yes, state which.)		Whether a polyga- mist.	tra printing lab	Thether der con- act, ex- ress or plied, to or in the  United States.	Condition of health, mental and physical.	1-	Deformed or erippled, nature and cause.			

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., March 16, 1893.

SIR: I inclose herewith a copy of the act approved March 3, 1893, relative to the immigration and contract-labor laws of the United States, and desire to call your attention to section 2 of the act which provides for the landing of immigrants in convenient groups, no one list to contain more than thirty names, etc.

I suggest that, after conferring with the collector of customs of the port of New York and the various steamship agents doing business there in regard to this matter, you submit for the approval of the Department a blank form of manifest you think it desirable to have issued, which manifests are to be printed, it is understood, of course, by the steamship companies.

Respectfully, yours,

O. L. SPAULDING, Assistant Secretary.

Hon. JNO. B. WEBER, Commissioner of Immigration, Ellis Island, New York. TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington D. C., March 21, 1893.

SIR: Referring to Department letter of March 16, 1893, relative to the contract labor and immigrant laws, I beg to call your attention to the fact that the laws require that the lists of immigrants shall be separate from the passenger lists, and to ask whether, in your opinion, there should not be a margin left on the manifests in order that they may be bound in a suitable manner? I would also ask if this would not obviate the necessity of registering the immigrant as is the present practice at the port of New York? It is the opinion of the Department that provision should be made for this requirement. You will please give the matter your consideration, and report your views in the premises to the Department.

Respectfully, yours,

O. L. SPAULDING, Assistant Secretary.

Hon. JNO. B. WEBER, Commissioner of Immigration, Ellis Island, New York.

> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., March 24, 1893.

SIR: I hand you herewith blank forms, three in number, to be used by steamship companies in the transportation of immigrants:

(1) "List or manifest of alien immigrants for the commissioner of

immigration."

(2) "Questions to be answered by the immigrant before booking." (3) "Affidavit of master or commanding officer, or first or second

officer, and affidavit of surgeon."

The manifest is to be the width of sample sheet, and of length to permit entry of thirty names without crowding. Lists of whole number of immigrants taken on board the vessel may be securely fastened together at the top, and in this case only one oath of master and surgeon need be attached. The accompanying statement of the immigrant should be of same width as the manifest and half the length, and should contain the statement of only one person or family.

All blanks will be furnished by the transportation companies.

Respectfully, yours,

O. L. SPAULDING, Acting Secretary.

Dr. G. O. GLAVIS, 516 Fourteenth street N. W., Washington, D. C.

> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., March 27, 1893.

SIR: In reply to yours of the 23d instant, in which you make certain suggestions regarding the regulations recently issued by the Secretary of the Treasury in connection with the immigration service, I desire to say the same meet with the approval of the Department, and in accordance therewith direct that the time limit of twenty-four hours, imposed in Article 7, upon the immigrant as well as the inspector, in which to file an appeal, be stricken out. Regarding your other suggestions, the Department is of the opinion that they are already sufficiently covered by existing regulations.

The blank forms of manifest, etc., submitted by you have been approved and samples thereof ordered printed, copy of which will be

forwarded for your files as soon as completed.

Respectfully, yours,

O. L. Spaulding, Acting Secretary.

COMMISSIONER OF IMMIGRATION, Ellis Island, New York.

> Office of U. S. Commissioner of Immigration, Port of New York, March 23, 1893.

SIR: I beg to acknowledge the receipt of your two letters of March 16 and 21, No. 4427, H. A. E., in relation to manifests or lists of immigrants to be provided in accordance with the new law. I inclose herewith a form which it is believed should be copied in respect of division and heading of columns, and in respect of size, except that the lines should be so drawn as to reduce somewhat the space used in the sample. The ruling is too close for practical use, and skipping alternate lines as in sample would make the sheet unnecessarily long; but the names should not be too closely crowded together. The oaths of the commanding officer and surgeon I have attached at the end of the whole number of lists. This might not seem to be in accordance with the letter of the law, but as we have had cases which would involve the making of from forty to seventy of these lists for one steamer, it would become rather a serious burden upon the ship's officers, as well as the consul, to complete them during the hurried moments preceding the ship's departure. The responsibility of the officers does not seem to me to be lessened by the single affidavits at the end; and if it is deemed by the Department to be within the spirit of the requirements, I would recommend that you so rule.

There has also been submitted to me a blank form of questions to be answered by the immigrant before booking. It is obvious that these questions should be submitted to the immigrant and recorded by the subagent at the original booking place, if tickets be purchased in Europe, and these individual descriptive lists will form data upon which the manifest lists will be based. The form submitted to me, after proper headings of a general character, proposed twenty questions, and would answer very well if they applied only to one member of a family, but as some of these families consist of ten or more persons, the answers would necessarily vary according to the particular circumstances of each individual member. I have therefore reached the conclusion that the most feasible and simple form would be a list confined to an individual or to a family, with the numbers at the head of the columns corresponding to those used on the ship's manifest. With this there would be less likelihood of mistakes in transcribing by the companies' clerks; it will make no more writing necessary in the individual cases, and save a great deal of writing in the case of families. I submit also herewith a form for such individual descriptive list.

In the affidavit of the commanding officer the language of the statute has been followed, but there has been added in that part which requires that said commanding officer believes no one of said passengers is "under a contract or agreement, express or implied, to perform labor in the United States," the words "except such as are expressly excepted under the law," as the contract-labor law makes certain exceptions.

In regard to leaving a margin on manifests for binding purposes, I have arranged for that by fastening the wap (instead of the side), ac-

cording to present practice.

I am unable to see how, at this port, registration can be avoided and examination made by these lists. At ports where there are but one or two inspectors, with but few passengers to inspect, this could be done; but here, where we bring to the station batches of, say, about three hundred out of from six hundred to fifteen hundred passengers, and eight or ten clerks register or inspect simultaneously, it is not practicable to cull out the thirty individuals belonging to list 1 from among passengers who are scattered all along the manifest lists, unless they could be separated into squads according to numbers at the dock, brought here separated, and directed into separate compartments to avoid mixing. I am aware that it was designed by the Immigration Committee to have the inspection made upon the group basis, but I notice that the law does not direct this to be done, and fortunately, as I believe, can, therefore be avoided.

In the notice to the immigrant, at the head of the list of interroga-

tories, the following words appear in pencil brackets:

"A false oath will subject the immigrant to fine and imprisonment." I have used these words simply because they were in the form submitted to me, but I find nothing in the immigration laws imposing this penalty, and I presume the cases would be very rare where such pen-

alty would be inflicted, even if the law so directed.

There was also submitted to me a copy of the regulations, with request for suggestions. I inclose this copy with a few suggestions penciled in the margin. In Article 7, I would suggest the striking out of the words "within twenty-four hours after notice of such decision." This relates to an appeal on the part of the immigrant who has been barred. I believe this time should not be limited, and my observation here suggests that the possible abuse on the part of steamship companies of unlimited time, to the annoyance and embarrassment of the service, by filing appeals at the last moment, has been so little exercised that it is unnecessary, for the protection of business, to place this limitation upon the immigrant. It sometimes happens that we do not consider it wise to immediately inform the immigrants that their cases have been decided, especially when we have large numbers who, in their desperation, might become difficult subjects to handle. Then the immigrant, in his ignorance, may permit the limited time to pass by before he could procure necessary evidence or receive the advice of friends. If the immigrant is entitled to land, he ought to have every opportunity to prove his eligibility. It very frequently happens that they telegraph to friends who can not be reached by wire, who can not leave work immediately, or who themselves do not know what to do until they have consulted with others better informed. I think appeal should be open to them as a matter of right until they are taken from the island and placed on board the ship for return, and after that time (before actual sailing) within the discretion of the commissioner.

further pencil notations to Article 7 and to Article 8 will explain themselves.

I beg to suggest that as the law becomes operative on May 3, these matters be speedily taken up and passed upon, in order that the steamship companies may have opportunity to prepare the necessary blanks and instructions to their various agents throughout Europe.

Very respectfully, yours,

JNO. B. WEBER, Commissioner.

Hon. O. L. Spaulding, Assistant Secretary of the Treasury, Washington, D. C.

# APPENDIX.

Correspondence between Senator Chandler and the Secretary of the Treasury.

[Published by order of the Senate.]

UNITED STATES SENATE, Washington, D. C., March 16, 1893.

SIR: I have examined the Department circular of March 11, for the regulation of immigration, and take the liberty of inclosing the accompanying memorandum of comments thereon.

Very respectfully,

W. E. CHANDLER.

Hon. John G. Carlisle, Secretary of the Treasury.

Memorandum concerning the circular of March 11, 1893, issued by the Secretary of the Treasury for the regulation of immigration.

T

The circular adds to the requirement of the law of March 3, 1893, prescribing lists of manifests of immigrants, the following:

(a) The immigrants must sign the answers.

(b) There must be indorsed on each list or manifest, in the language of the immigrant, a notice that if upon his arrival in the United States it is found that the answers are not correct, he will be sent back, and also that he may, on arrival, be required to make oath to the truth of his answers, and that a false oath will subject him to fine or imprisonment.

These additions to the requirements of the law will undoubtedly make it more stringent, if they do not make too cumbersome the lists or manifests upon which the law already requires much matter to be inserted. It is to be hoped that they will not add to the difficulties in enforcing the law.

If the notice indorsed must be in the language of the immigrant, no one list can contain the names of immigrants speaking different lan-

gnages.

The United States law is not mentioned which would make it punishable perjury for an immigrant to take a false oath on arrival.

II.

The circular might well be supplemented by a blank form of list or manifest to be sent abroad. Such a one is suggested in the report of

the two committees (Senate Report No. 787). The questions ought to

be numbered from 1 to 23 inclusive.

If each immigrant is to sign the answers, space must be left at the right hand of the blank for his signature, and that of a witness where the immigrant only makes his mark. Of course the Department contemplates that the head of a family shall sign for the family.

The answers, according to the present practice, are not full enough

in numbers 14, 18, and 19.

The forms of certificates of master and surgeon, as contained in the report, might well be prescribed and sent abroad. They can go on the back of each list, which will also contain the notice to the immigrant newly prescribed by the Department.

# TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., March 18, 1893.

SIR: Referring to your note of March 16, 1893, inclosing memorandum concerning circular "Regulation of Immigration," issued March 11, 1893, you state:

(a) The circular adds to the requirements of the law describing lists or manifests of immigrants, that the immigrant must sign the answer.

(b) "There must be indorsed on each list or manifest, in the language of the immigrant, a notice that, if upon his arrival in the United States, it is found that the answers are not correct, he will be sent back, and, also, that he may, on arrival, be required to make oath to the truth of his answers, and that a false oath will subject him to fine or imprisonment."

You add that "these additions to the requirements of the law will make it more stringent, if they do not make too cumbersome the lists or manifests upon which the law already requires much matter to be

inserted."

In reply, I beg to say that the interrogatories and answers, signed by the immigrant, will be separate from the lists or manifests, but will accompany them. Article 13 of the circular requires that the lists or manifests shall be accompanied by the interrogatories and answers thereto, in the language of the immigrant, etc.

You mention, second: "That the circular might well be supplemented by a blank form of list or manifest to be sent abroad." You also add, "The forms of certificates of master and surgeon, as contained in the

report, might well be prescribed and sent abroad."

In reply, I will state that the Department has blank forms under consideration covering the points you suggest.

Respectfully, yours,

J. G. CARLISLE, Secretary.

Hon. WM. E. CHANDLER, United States Senate.

> UNITED STATES SENATE, Washington, D. C., March 25, 1893.

SIR: Acknowledging the receipt of your letter of the 18th instant in reply to mine of the 16th, informing me that the answers to interrogatories to be made by the immigrants are not to be placed upon the

same sheets with the lists or manifests, but are to accompany them on separate papers, I am led to say that further consideration of the subject convinces me that the additional requirement devised and adopted by the Department of its own motion, and not in accordance with any provision of the new law, or of any law, is in danger of impairing rather than aiding the operations of the law, and ought not to be put in force at this time.

The theory of the new law is to compel the steamship companies "at the time and place of embarkation" to concentrate information concerning each immigrant on about twenty-four important points which require consideration in determining whether he can be admitted into this country: to embody that information in a list verified as correct by the certificate of the master and surgeon of the ship; and to deliver the list to the inspection officers on arrival in this country. The act does not say how the steamship companies shall obtain the information, whether from the immigrant or otherwise, whether in one method or in many methods, nor, on the other hand, does the act provide for imposing any responsibility whatever concerning said information upon the United States or upon its officials in the foreign country. United States responsibility begins only after the voyage and at the port of arrival upon the reception of the immigrant and his list.

The above being the limited idea and method of the act, the Treasury Department, instead of carrying it out literally and unaccompanied by any other idea and method, and allowing the practicability and usefulness of the act to be brought to a test unincumbered and unembarrassed by additional machinery, has seen fit to supplement the method of the

act, as follows:

An additional list of interrogatories, to be the same as those contained at the top of the lists or manifests required by the act, is to be made out at the place where the immigrant purchases his transportation ticket, and there he is to answer them and to sign his answers in the presence of the agent who grants him the transportation; and this additional list is to be carried to the steamship and is to accompany the list or manifest required by the act, and is to be delivered to the inspectors of immigration at the port of arrival.

This is a very material addition to the statute. In the Department's circular of March 11, 1893, it is inserted as Article 13, between articles 12 and 14, as if it were a requirement of the act, although the act con-

tains no suggestion of any such procedure.

I do not undertake to say that the Secretary of the Treasury may not thus enlarge the act of Congress by interpolating this additional requirement. I do not even positively assert that the immigrant's certificate thus provided for may not increase the efficiency and stringency of the law. I sincerely hope that it will so operate. But I can not help fearing that it will work against the main purpose of the act, which is to put responsibility upon the steamship companies at the time and place of embarkation of the immigrants, and that the companies will use it to relieve themselves from responsibility.

Of course the statutory lists or manifests made out by the steamship companies at the place and time of embarkation will be framed in exact accordance with the signed answers of the immigrants brought with them from their homes, which may be far away from the place of embarkation, indeed, may be in another country. If the information turns out to be false on the arrival of the immigrants in America, the steamship companies will say, "We filled out the lists and manifests, and our officers swore to the same upon written evidence brought from the immigrants' home, which you, the United States Government, provides for us. Do not blame us, but your own system for the misinformation." There would be much force in their defense thus made.

The intention of the law is to compel the steamship companies to obtain their information when, where, and in what manner they best can, and, having done so, to make it of record, and swear to it at the time and place of embarkation. But when the Secretary of the Treasury, outside the law, compels the preparation of certain evidence by the steamship companies, may they not rely upon that evidence and seek no other, and be responsible for procuring a statement from the immi-

grant and nothing more.

The steamship companies might undoubtedly, of their own motion, obtain these statements from their immigrants. But, then, one of the statements would not ipso facto absolve them from all further efforts to ascertain whether, at the time and place of embarkation, the immigrant had the right to enter the United States. They would be bound to go further and inquire elsewhere, if any suspicions were aroused, and would, at their own peril, fill up and sign and swear to the statutory list and certificate. But when the Secretary of the Treasury, by regulation, provides them with a certificate of the immigrant, made in the form and executed in the manner prescribed by the Treasury Department, may not the companies formally transfer the information therein contained to the list or manifest, swear to it perfunctorily, that they believe it to be true, and bring it to the port of arrival and turn it over to our officers with the immigrant, saying to them, "If there is any mistake, it is your fault, and not ours. You furnished the evidence and we followed it."

In this view of the subject, I believe that the attempt of the Treasury Department, by regulation, to add to, and improve upon, the law of Congress, is a mistake likely to result in the establishment of a method of working the law materially different from that which the law itself contemplates. The law is not to be tried and tested by itself alone, but by its own provisions plus an important amendment inserted by the Secretary of the Treasury. If the law does not work well, its friends will be apt to claim that it would have done so if it had been carried out as it was enacted, and not in connection with a

Departmental amendment thereof, or supplement thereto.

Therefore, I respectfully advise the Department to cancel article 13 of its circular of March 11, 1893, and to try the experiment of enforcing the law exactly as Congress passed it. If the steamship companies wish to take the answers of the immigrants, let them do this on their own responsibility, and not on that of the United States.

There are one or two other points which I deem it my duty to call

to your attention:

I.

The law expressly requires that the certificates of the master and surgeon of the steamships shall be placed upon each of the lists and manifests. Any rule which contemplates allowing one certificate to cover, in any form of words, more than one list or manifest, will be in direct disobedience of the well considered and clearly expressed intention and direction of the statute. The law requires that no list shall contain more than thirty names, in order to have the lists separate from each other at the port of arrival, for the purposes of the examinations there to be made. To allow the steamship companies to fasten them together, and make one certificate for all the lists, instead of one

certificate for each list, would defeat the whole purpose of the first four sections of the law, as well as disobey its express injunction.

II.

The immigrants, on arrival, should be examined in connection with the lists and manifests, in groups as listed. Such is the clear and evident intention of the statute. Any plan which contemplates laying aside, at the port of arrival, the lists and manifests and proceeding to make other lists and schedules of the passengers in the old method, would be as destructive of the object of the statute as if it were wholly destroyed.

III.

The interrogatories should be printed at the top of the lists in the exact language of the law and in the order there adopted, and each interrogatory should have a separate column for the answer. Especially should the three inquiries, "whether in possession of money, and if so, whether upwards of \$30, and how much if \$30 or less," be given separately, with a separate column for the answers to each.

Disclaiming the idea that I set up any right, because familiar as a legislator with the circumstances of the enactment of the law, to control the executive branch of the Government in its execution, or to do anything but to make suggestions and give advice, which may or may

not be commended by your own good judgment, I remain,

Yours, very truly,

W. E. CHANDLER.

Hon. John G. Carlisle, Secretary of the Treasury.